15th Election District 5th Councilmanic District

\* Case No. 90-511-A David G. Helmick and Carol J. Tevis -Petitioners

\* \* \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6611 Blackhead Road, consists of 27,948 sq.ft. zoned R.C. 2 and is improved with a single family dwelling, a detached garage and shed. Said property is located within the Chesapeake Bay Critical Areas near Bird River. Petitioners are desirous of constructing an addition to the dwelling to expand the existing bedrooms and provide more habitable space. Testimony indicated that the subject dwelling was built more than 40 years ago with two small bedrooms and no closet space. Petitioners testified they have spoken with the adjoining property owners who have no objections to their request. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

be granted. There is no evidence in the record that the subject .ariance

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

PETITION FOR ZONING VARIANCE

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

3. We currently have clothing and furniture stored in the garage and sheds, and could

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

1. 2 existing bedrooms are very small (11'x10') with no closets. 2. We are planning on having a baby and need the additional space.

Property is to be posted and advertised as prescribed by Zoning Regulations.

use additional closet space inside the home.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

TO PERMIT A SIDE YARD SETBACK OF

20 FT. IN LIEU OF THE REQUIRED 35 FT.

1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

2) Conserve fish, wildlife, and plant habitat; and

3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this \_\_\_\_\_day of July, 1990 that the Petition for Zoning Variance to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted.

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

#374

CRITICAL ARE ZONING DESCRIPTION

Beginning at a point on the South side of Blackhead Road which is 12 feet wide at the distance of 450 feet east of the centerline of the nearest improved intersecting street, Crooks Road, which is 12 feet wide. \*Being Lot #163 and #164, Section #2 in the subdivision of Bird River Beach, Baltimore County as recorded in Baltimore County Plat Book #7, Folio #85, containing 27.948 sq.ft. or .64 acres. Also known as 6611 Blackhead Road and located in the 15th Election

CERTIFICATE OF POSTING TOMING DEPARTMENT OF BALTIMORE COUNTY

Tousen, Maryland			
trict 15th  ted for Variance	Date of Posting.	6/15/90	•
itioner: David C. Helmick & Corol J	Tovis		
itioner: \$15 Black from Rd , 450	Flowers	Pd,	•

IT IS FURTHER ORDERED that the Petitioner shall comply fully and

ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

completely with all requirements and recommendations of the Department of

Environmental Protection and Resource Management, as set forth in their

comments dated June 15, 1990, attached hereto and made a part hereof.

AMN:bjs

6611 Black hos & R& Location of Signe Foring Block hook Rd oppness. 15 Fr. yourd way

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenu

H9000374 4/24/90

FRICE PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL) \$35.00 **\$35.0**0 TOTAL:

B C15\*\*\*\*\*\*3500:a 324#F Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

July 9, 1990

Mr. David G. Helmick Ms. Carol J. Tevis 6611 Blackhead Road Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE S/S Blackhead Road, 450' E of the c/l of Crooks Road (6611 Blackhead Road) 15th Election District - 5th Councilmanic District David G. Helmick and Carol J. Tevis - Petitioners Case No. 90-511-A

Dear Mr. Helmick & Ms. Tevis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours, O M No knowing

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

Chesapeake Bay Critical Areas Commission Tawes State Office Building, D-4, Annapolis, Md. 21404

I/We do solemnly declare and affirm. 8-k-under the penalties of perjury, that I/We No. 3-4 are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser: MR. DAVID G. HELMICK (Type or Print Name) (Type or Print Name) (Type or Print Name) City and State WORK 298-4411 DAVID WORK 574-4330 CAROL Attorney for Petitioner: 6611 BLACKHEAD ROAD HOME 335-9139 (Type or Print Name) BALTIMORE, MARYLAND 21220 Name, address and phone number of legal owner, contract purchaser or representative to be contacted SAME AS ABOVE (LEGAL OWNERS) City and State ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore ASTIMATED LENGTH OF HEARING /-1/202.

AVAILABLE FOR REARING

MON./TUES./WED. - NEXT TWO HORTES

District.

LAST NAME OF OWNER, HELMICK

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Basimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesepeake Avenue in Towoon, Maryland 21204 as follows:

Patition for Zoning Variance
Cese number: 90-511-A
S/S Blackhead Road, 450' E
of Crooks Road
681: Blackhead Road
15th Election District
5th Councilmanic
Petitioner(s):
David C. Helmick and
Carol J. Tevis
Hearing Date: Monday,
July 9, 1990 at 9:30 a.m. Variance: to permit a side yard sethack of 20 ft. in lieu of the re-quired 35 ft. in the event that this Petition is granted, a building permit may be issued within the thirty (30) day empeal period. The Zoning Com-missioner will, however, entertain any request for a stay of the isperiod for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the nearing. A J. ROBERT HAINES

Zoning Commissioner of Baltimore County 6/134 June 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 18, 1996 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on June 14, 19 90.

Zoning Commissioner County Office Building

PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X \$117.75 TOTAL: \$117.75 LAST NAME OF OWNER: HELMICK

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

David G. Helmick Carol J. Tevis 6611 Blackhead Road Baltimore, Maryland 21220

Petition for Zoning Variance CASE NUMBER: 90-511-A

S/S Blackhead Road, 450 E of Crooks Road 6611 Blackhead Road 15th Election District - 5th Councilmanic Petitioner(s): David C. Helmick and Carol J. Tevis HEARING: MONDAY, JULY 9, 1990 at 9:30 a.m.

Please be advised that \$ 112.75 is due for advertising and posting of the above captioned property.

DATE 7-6-90

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)

RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

May 21, 1990



NOTICE OF HEARING

Dennis F. Rasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-511-A S/S Blackhead Road, 450' E of Crooks Road 6611 Blackhead Road 15th Election District - 5th Councilmanic Petitioner(s): David C. Helmick and Carol J. Tevis HEARING: MONDAY. JULY 9. 1990 at 9:30 a.m.

Variance to permit a side yard setback of 20 ft. in lieu of the required 35 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

June 22, 1990

Mr. David G. Helmick 6611 Blackhead Road Baltimore, MD 21220



RE: Item No. 374, Case No. 90-511-A Petitioner: David G. Helmick Petition for Zoning Variance

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 30th day of May, 1990.

> ROBERT HAINES ZONING COMMISSIONER

Received By:

Petitioner: David G. Helmick

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: May 14, 1990

J. Robert Haines Zoning Commissioner Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: David G. Helmick and Carol J. Trevis, Item No. 374

The Petitioners request a Variance to side yard setback requirements in order to construct a residential addition.

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

May 24, 1990



Dennis F. Rasmussen

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 353, 361, 373, 374; 375, 376, 377, 378 and 379.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

ZONING OFFICE

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

MAY 10, 1990



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: Location:

DAVID G. HELMICK AND CAROL J. TEVIS #6611 BLACKHEAD ROAD

Zoning Agenda: MAY 15, 1990 Item No.: 374

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Approved Capt W.F. Brain Cell
Fire Prevention Bureau REVIEWER: Abt front Kelly 5-10-90 Approved Finning Group
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Neeting for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items 353, 361, 3741 377 and 379

For Items 375 and 376, the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

Robert W. Bowling, P.E., Chief Developers Engineering Division

-450 to CROOKS ROAD PLACKHEAD KORY

EXISTING

LOT 164

EXISTING

Divellar

LOT 165

RWB:s

LOT SIZE: 27,948 sq. ft.

PLAT FOR: Zoning Variance OWNERS: David G. Helmick

DISTRICT: 15, Zoned RC2

SCALE: 1' = 40 ft.

.64 acre

Carol J. Tevis

This property is in critical area

SUBDIVISION: Bird River Beach, Baltim

EXISTING UTILITIES: Private Well & Septic

JULY 9th 90-511-2

ALTIMORE COUNTY, ARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines

DATE: June 14, 1990

FROM: Mr. Robert W. Sheesley

Zoning Commissioner

SUBJECT: Petition for Zoning Variance - Item 374
Helmick-Tevis Property
Chesapeake Bay Critical Area Findings

DECEIVED

JUL 5 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 6611 Blackhead Road in E'rd River Beach. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME David G. Helmick and Carol J. Tevis

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.3 of the Baltimore County Zoning Regulations "to permit a side yard set back of 20 feet in lieu of the required 35 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

7/5/90 Rec. Late Comments-Mailed Jaw

CRITICAL AREA

CRITICAL AREA

CRITICAL AREA

R.C.2

R.C.2

DATE
OF
PHOTOGRAPHY
JANUARY
NE & K

SEL

PHOTOGRAPHY
JANUARY
NE & K

Memo to Mr. J. Robert Haines June 14, 1990 Page 2

wetlands shall occur.

## REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: The site is not a waterfront lot and is located outside of the 100 foot buffer, therefore no disturbance within the buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore no disturbance of

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of all man-made impervious areas equals 10% of the lot, including the proposed addition. This will limit future development of the site to an additional 1,397 square feet or 5% of the total site area. At no time shall the sum of impervious surfaces exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%"<COMAR 14.15.02.04

Findings: The site contains approximately 20 trees and is therefore in compliance with the above regulation. No disturbance of any trees is proposed. Any trees that are cleared shall be replaced.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flow of groundwater Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state; Memo to Mr. J. Robert Haines June 14, 1990

> (2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state\* <Baltimore County Code, Section 22-217(h)>.

Findings: In order to comply with the above regulations, rooftop runoff from the proposed building shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

## CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

## RWS:DCF:ju Attachment

cc: The Honorable Ronald B. Hickernell The Honorable Norman W. Lauenstein The Honorable Dale T. Volz

Mrs. Janice B. Outen

Ms. Gwynn Schultz